

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<p>MARC REICHBART, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>FINANCIAL BUSINESS AND CONSUMER SOLUTIONS, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 2:24-cv-01876-NIQA</p>
<p>JOSEPH STALLONE, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>FINANCIAL BUSINESS AND CONSUMER SOLUTIONS, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 2:24-cv-01901-NIQA</p>
<p>ALISON CROTEAU, on behalf of herself and all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>FINANCIAL BUSINESS AND CONSUMER SOLUTIONS, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 2:24-cv-01946-NIQA</p>

<p>KEVIN BROOKS, individually and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>FINANCIAL BUSINESS AND CONSUMER SOLUTIONS, INC.,</p> <p>Defendant.</p>	<p>Case No. 2:24-cv-02007-NIQA</p>
<p>JESSE R. APTHORP, individually and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>FINANCIAL BUSINESS AND CONSUMER SOLUTIONS, INC.,</p> <p>Defendant.</p>	<p>Case No. 2:24-cv-02024-NIQA</p>
<p>MICKEY HWANG, individually and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>FINANCIAL BUSINESS AND CONSUMER SOLUTIONS, INC.,</p> <p>Defendant.</p>	<p>Case No. 2:24-cv-02033-NIQA</p>
<p>SOPHIE CAHEN VORBURGER, individually and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>FINANCIAL BUSINESS AND CONSUMER SOLUTIONS, INC.,</p> <p>Defendant.</p>	<p>Case No. 2:24-cv-2045-NIQA</p>

<p>DANA KERR, individually and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>FINANCIAL BUSINESS AND CONSUMER SOLUTIONS, INC.,</p> <p>Defendant.</p>	<p>Case No. 2:24-CV-2075-NIQA</p>
<p>DERRICK VINES and BRADFORD WICKS, individually and on behalf of those similarly situated,</p> <p>Plaintiffs,</p> <p>v.</p> <p>FINANCIAL BUSINESS AND CONSUMER SOLUTIONS, INC.,</p> <p>Defendant.</p>	<p>Case No. 2:24-CV-2085-NIQA</p>
<p>GRIFFIN R. WAGNER, individually and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>FINANCIAL BUSINESS AND CONSUMER SOLUTIONS, INC.,</p> <p>Defendant.</p>	<p>Case No. 2:24-CV-2119-NIQA</p>
<p>JEROME FRASIER, individually and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>FINANCIAL BUSINESS AND CONSUMER SOLUTIONS, INC.,</p> <p>Defendant.</p>	<p>Case No. 2:24-CV-2121-NIQA</p>

DUSTIN BUSBY, individually and on behalf of all others similarly situated, Plaintiff, v. FINANCIAL BUSINESS AND CONSUMER SOLUTIONS, INC., Defendant.	Case No. 2:24-CV-2129-NIQA
TIMOTHY COURTNEY, on behalf of himself and all others similarly situated, Plaintiff, v. FINANCIAL BUSINESS AND CONSUMER SOLUTIONS, INC., Defendant.	Case No. 2:24-CV-2153-NIQA
ONIEQUE MORGAN, individually, and on behalf of himself and all others similarly situated, Plaintiff, v. FINANCIAL BUSINESS AND CONSUMER SOLUTIONS, INC., Defendant.	Case No. 2:24-CV-2163-NIQA

**PLAINTIFF SOPHIE CAHEN VORBURGER’S RESPONSE IN PARTIAL
OPPOSITION TO COORDINATED PLAINTIFFS’ AMENDED MOTION TO
CONSOLIDATE CASES AND APPOINT INTERIM CO-LEAD CLASS COUNSEL**

Sophie Cahen Vorburger, Plaintiff in *Vorburger v. Financial Business and Consumer Solutions, Inc.*, No. 2:24-cv-2045-NIQA (“Plaintiff Vorburger”), substantially supported the Motion of Plaintiffs Marc Reichbart and Joseph Stallone to Consolidate Cases and Appoint

Interim Co-Lead Class Counsel (the “Initial Motion”). *See* Vorburger Response (ECF 7).¹

Plaintiff Vorburger likewise substantially supports the pending Amended Motion of Plaintiffs Reichbart, Stallone, Alison Croteau, Kevin Brooks, Mickey Hwang, and Dana Kerr (the “Coordinated Plaintiffs”) to Consolidate Cases and Appoint Interim Co-Lead Class Counsel (the “Amended Motion”). Plaintiff Vorburger agrees that all of the above-captioned cases and any subsequently filed related cases should be consolidated, that proposed lead counsel — Andrew W. Ferich of Ahdoot & Wolfson, PC, Kristen Lake Cardoso of Kopelowitz Ostrow P.A., and Charles E. Schaffer of Levin Sedran & Berman, LLP — are well-qualified to lead the consolidated actions, and that the proposed members of the Executive Committee and proposed Liaison Counsel are likewise well-qualified. On its face, the Coordinated Plaintiffs’ submission is a worthy one.

To the limited extent that the submission is lacking, it is only for what it fails to acknowledge, i.e., the two lead counsel submissions that preceded it. The Initial Motion proposed the appointment of Mariya Weekes of Milberg Coleman Bryson Phillips Grossman, PLLC as co-lead counsel. Initial Motion, at 1 (ECF 3). The Amended Motion—without explanation—seeks her appointment to only the Executive Committee, despite her service sitting on the Florida bench, which is unique among Plaintiffs’ counsel. The Initial Motion stated “Proposed Co-Lead Counsel[’s intention to] populat[e Executive Committee] positions with qualified counsel from each of the next three cases filed.” Mem. in Support of Initial Motion, at 1 (ECF 3-1). The Amended Motion disregards the order in which cases were filed. The Amended Motion likewise fails to acknowledge Plaintiff Vorburger’s response to the Initial Motion, in

¹ All ECF references are to the docket of the above-captioned *Reichbart* action, the only one in which all lead counsel submissions have been filed.

which Plaintiff Vorburger sought an Executive Committee position for her counsel, Bart D. Cohen of Bailey Glasser LLP.² If any of the Coordinated Plaintiffs are opposed to Mr. Cohen's serving on an Executive Committee, that opposition is evidently not sufficient to warrant their putting it before the Court.

The Amended Motion submission in fact says nothing that differs substantially from what would be said in a lead counsel submission in any other data breach class action. But that does not nearly disqualify the Coordinated Plaintiffs' proposed slate from serving, because that is standard operating procedure among plaintiffs' counsel in data breach class actions. And that is among the many reasons why Mr. Cohen does "not seek to disrupt [the proposed] arrangement but asks to participate in it." *See Nelson v. Connexin Software Inc.*, No. 2:22-CV-04676-JDW, 2023 WL 2721657, at *2 (E.D. Pa. Mar. 30, 2023) (awarding Executive Committee position to plaintiff's counsel under similar circumstances).

For all of these reasons, as well as the reasons referenced in Plaintiff Vorburger's Response to the Initial Motion (ECF 7), Plaintiff Vorburger respectfully requests that the Court appoint Mr. Cohen to the Executive Committee. Pursuant to Local Rule 7.1(a), a proposed order granting Plaintiff Vorburger's request is submitted with this Response. Other than its reference to the composition of the Executive Committee, it is substantially identical to the most recent order proposed by the Coordinated Plaintiffs.

² Bailey Glasser's firm resume and Mr. Cohen's biography are attached as Exhibit A.

Dated: May 29, 2024

Respectfully submitted,

/s/ Bart D. Cohen

Bart D. Cohen (PA Bar No. 57606)

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*Attorneys for Plaintiff Vorburger and the
Proposed Class*

EXHIBIT A

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BAILEY GLASSER **LLP**

Introduction

Bailey & Glasser, LLP (“Bailey Glasser”) was founded by Ben Bailey and Brian Glasser in Charleston, West Virginia in 1999. Since then, the firm has grown to include over 80 lawyers across 18 offices, including Charleston and Morgantown, West Virginia, as well as Alabama, California, Delaware, Pennsylvania, Florida, Massachusetts, Missouri, New Jersey, New York, Texas, Idaho, Iowa, and Washington, D.C.

Since its inception, clients have relied on Bailey Glasser to handle their most challenging and consequential legal issues, regionally and nationwide. The firm represents plaintiffs and defendants, including individuals, businesses and governments. Bailey Glasser’s corporate practice handles business matters ranging from the negotiation and execution of billions of dollars in commercial transactions, to IPOs, to assisting foreign businesses with investments in U.S. assets. Lawyers throughout the country call upon the firm to access Bailey Glasser’s unique blend of resources, trial experience, and expertise. Our litigation group has a substantial practice in complex multidistrict (“MDL”) and class action litigation, with an emphasis on automotive defect, consumer protection, other products liability, and commercial litigation, including antitrust matters, which was particularly noted in a recent *Chambers & Partners 2021* accolade.

Bailey Glasser continues to expand its knowledge and experience in the complex MDLs and class action litigations, while maintaining numerous leadership appointments in current and previous litigations.

Accolades include:

National Law Journal – 35
Most Influential Law
Firms in America (2020)

Chambers USA (2020) –
Commercial Litigation –
Band 1

*Best Law Firms in
America* - Commercial
Litigation and Bet-the-
Company Litigation
(2020)

*Best Law Firms in
America* - Best Law Firms
for High Stakes Litigation
(2019)

*Best Lawyers – Lawyer of
the Year* – Criminal
Defense: White Collar,
Brian Glasser

Forbes - Top Corporate
Law Firm (2019)

National Trial Lawyers –
Top 100 Trial Lawyers



Bailey Glasser Litigation Capabilities

Litigation of every kind has been the cornerstone of Bailey Glasser's success since our inception. We have initiated and defended billion-dollar actions nationwide in state courts, federal courts, and before arbitrators and mediators. Our opposing counsel has included some of the largest law firms in the country and we have emerged victorious. We represent the full spectrum of business interests and industries, from solo entrepreneurs to multi-national corporations, from coal miners to fashion designers.

Bailey Glasser's trial lawyers bring vast experience in resolving business disputes including antitrust, class actions of every kind, breach of contract, breach of fiduciary duty, tortious interference, fraud, fraudulent transfer actions, and numerous other federal and state statutes. And although at Bailey Glasser "we try cases," we also recognize that a preferred outcome may be obtained by negotiation or at an early stage in a lawsuit. Our demonstrated willingness and skill in taking cases to trial gives our clients an advantage throughout the litigation process.

*In its 2021 USA Guide, **Chambers & Partners** notes that Bailey Glasser has an "impressive team offering experience in both defense and plaintiff representation, regularly handling litigation with significant commercial and political implications. Adept in federal bankruptcies and cases concerning the medical, legal, and financial sectors, and **has a niche antitrust practice**. Handles both regional and national matters."*



Electronically-Stored Information Practice Group



Another advantage we bring to our litigation practice is our unique Electronically-Stored Information (“ESI”) Group that not only helps our clients drill down into discovery during cases, but also helps control costs. Bailey Glasser’s Electronically Stored Information (ESI) team employs a firm command of evolving best practices, emergent technologies, and established legal principles and rules to ensure that our corporate and individual clients preserve, collect, and manage ESI, and conduct e-Discovery, with strategic confidence. Katherine Charonko, a member of this proposed team and the ESI Practice Group Leader, is a thought leader and pioneer in the field of ESI and is a Certified e-Discovery Specialist (“CEDS”), a globally recognized credential. She regularly speaks on ESI issues around the country.

Charonko has been appointed to leadership roles in e-Discovery in three multidistrict litigations and provides efficient, cost-effective, and detail-oriented support for all significant Bailey Glasser litigations from beginning to end. Charonko’s practice group evaluates technical and ESI needs; crafts litigation holds; coordinates custodial interviews; conducts document collections; implements aggressive preservation management; negotiates and drafts ESI protocols and protective orders; manages massive discovery libraries; conducts document review; navigates discovery challenges presented by the European Union’s General Data Protection Regulation (GDPR) and other privacy regulations; and provides trial support. No modern litigation can happen well without this function and Bailey Glasser is well situated to handle all e-Discovery issues that can arise.

Representative Antitrust Cases Include:

In re Blue Cross Blue Shield Antitrust Litigation: Bailey Glasser serves on the plaintiff's discovery committee of this multi-district litigation matter alleging nationwide market allocation and price-fixing antitrust violations by the Blue Cross Blue Shield Association and its members throughout the United States; currently pending before the US District Court for the Northern District of Alabama

Comcast Set Top Cable Television Box Antitrust Litigation, MDL-2034: Bailey Glasser served on the plaintiffs' steering committee in the MDL action alleging antitrust violations related to defendant's set-top cable box policies.

West Virginia Paving Inc., Kelly Paving Inc., American Asphalt & Aggregate Inc.: On behalf of the State of West Virginia, Bailey Glasser prosecuted an antitrust case against several asphalt paving contractors, including the world's largest contractor. In 2020, after five years of litigation, Bailey Glasser negotiated a \$101.35 million settlement with the 11 asphalt and paving companies – the largest, single-state antitrust settlement in West Virginia's history.

State of West Virginia v. Microsoft Corporation: Bailey Glasser lawyers served as special assistant attorneys general for the State of West Virginia in antitrust and consumer protection action against Microsoft Corporation; the case settled for a total value of \$21 million.

Wine and Beverage Merchants v. Mountain State Beverage, et al.: Bailey Glasser represented a group of West Virginia wine distributors in an antitrust action against a nationwide alcohol distributor and its West Virginia affiliate; obtained a confidential settlement within 18 months of filing.

Representative Plaintiffs' Class Action Cases Include:

Volkswagen "Clean Diesel" Marketing, Sales Practices, and Product Liability Litigation MDL No. 2672 CRB (JSC) (N.D. Cal.) - Ben Bailey serves as one of twenty-three lawyers on the Plaintiffs' Steering Committee for the Volkswagen Diesel Emissions MDL pending in the Northern District of California. Bailey Glasser LLP helped settle the first round of claims in the case, involving vehicles with 2.0 liter diesel engines, for more than \$15 billion. Final approval was granted for a settlement worth at least \$1.2 billion for the 3.0 liter diesel engines. A \$327.5 million settlement with German auto electronics supplier Robert Bosch has also been approved.

In Re: Atrium Medical Corp. C-Qur Mesh Products Liability Litigation (MDL No. 2753) - David Selby, II, serves on the Plaintiffs' Executive Committee and Kate Charonko serves as liaison director of e-Discovery for the Atrium MDL. This MDL consolidates federal lawsuits from all across the country against Atrium Medical Corporation. The lawsuits allege that the C-Qur Mesh manufactured by Atrium is made of polypropylene with an outer coating derived from fish oil. The lawsuits claim the fish oil coating on C-Qur mesh produces an allergic or inflammatory reaction that has caused serious injuries, including, organ perforations and bowel obstructions.

Toyota Unintended Acceleration Marketing, Sales Practices, and Product Liability Litigation Case No.: 8:10ML2151 JVS (FMOx) (C.D. Cal.) - In 2009, Bailey Glasser LLP filed one of the first wrongful death actions alleging sudden-acceleration defects in a Toyota Camry. Ultimately, B&G lawyers were

appointed to key MDL leadership roles in what came to be, at the time, one of the largest products liability cases ever filed. Ben Bailey served on the plaintiffs' lead counsel committee pursuing economic-loss damages; Eric Snyder serves in the same capacity on the committee pursuing personal injury claims. The firm played a leading role in developing expert testimony on the sudden acceleration defect in 2002-2010 Toyota vehicles. The economic-loss claims settled for \$1.6 billion. Hundreds of personal injury claims have also been settled.

Krakauer v. Dish Network. L.L.C., No. 1:14-CV-00333-CCE-JEP (M.D. NC) - The firm obtained a \$20.5 million verdict in a class action trial against Dish Network. The class, led by class representative Dr. Thomas Krakauer of Bahama, North Carolina, alleged Dish was liable for more than 51,000 telemarketing calls placed by a defunct DISH dealer to persons whose telephone numbers were on the National Do Not Call Registry. The jury found DISH liable for all calls and awarded \$400 per violation of the Telephone Consumer Protection Act.

Brundle v. Wilmington Trust, No. 1:15-cv-1494 (E.D. Va.)- Bailey Glasser LLP recovered \$30 million for the participants in the Constellis Employee Stock Ownership Plan following a two-week trial. The court's decision set important new standards for ESOP trustees representing plans and participants in ESOP transactions.

In re: Monitronics Int'l, Inc. Telephone Consumer Protection Act Litigation, MDL No. 2493 (N.D. W. Va.) - The firm serves in both lead and liaison positions in an MDL case, In re: Monitronics Int'l, Inc. Telephone Consumer Protection Act Litigation. The MDL consolidates five putative class actions originally brought in federal courts in West Virginia, Washington, California, and Illinois. The cases allege violations of the TCPA, a federal law that strictly regulates "robocall" telemarketing and telemarketing to persons listed on the national Do Not Call Registry.

Comcast Set-Top Cable Television Box Antitrust Litigation, MDL No. 2034 (E.D. Pa.) - The firm serves on the Plaintiffs' Steering Committee in MDL action alleging antitrust violations related to defendant's set-top cable box policies.

In re: Blue Cross Blue Shield Antitrust Litigation, MDL No. 2406 (N.D. Ala.) - The firm serves on the Plaintiffs' Steering Committee in the pending MDL case alleging nationwide market allocation and price-fixing antitrust violations by the Blue Cross Blue Shield Association and its members.

Anderson v. National City Bank (formerly Provident Bank), No. 04-C-199 (Cir. Ct. of Mercer County, W. Va.) - The firm was brought in by a respected legal service firm six months before trial as co-lead counsel in a certified predatory-lending class action in West Virginia state court. The case settled for \$8.1 million, a sum that completely paid off more than fifty mortgage loans and made additional cash payments to class members of up to \$34,000 each.

Carter v. Taurus Int'l Mfg., et al., Taurus Pistol Unintended Discharge Case - The firm serves as co-lead counsel in a nationwide product liability class action against firearm manufacturer Taurus alleging design defects in nine pistol models that can result in unintended discharge if the pistol is dropped. Granted final approval from the U.S. District Court for the Southern District of Florida on July 22, 2016, the settlement's total possible value has been assessed to be \$239 million. The terms of the settlement include a buyback or replacement of almost one million pistols, as well as additional safety training with regards to the defects alleged in the suit. The case is currently on appeal to the U.S. Court of Appeals for the Eleventh Circuit by three objectors to the settlement.

Cummins v. H&R Block, Inc. - In a case litigated for five years in venues ranging from the West Virginia trial and appellate courts, to federal district courts in West Virginia and Illinois, to the United States

Supreme Court, our lawyers served as lead counsel in winning a \$62.5 million multistate class action settlement against H&R Block. The case involved first-impression claims relating to the application of West Virginia's credit-services organization statute to Block's refund anticipation loan product. Other firms across the country litigated cases against Block alleging similar claims, without success, for more than ten years. West Virginia's share of the settlement was \$32.5 million.

Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation, MDL No. 2775 (D. Md.) - Mr. Selby serves on the PSC of this MDL, the cases in which allege that the metal-on-metal design of the company's R3 and BHR line of hip implants lead to tiny particles of cobalt and chromium metal alloys being shed into patients' hip joints and bodies, potentially leading to bone and tissue necrosis, toxic damage and the formation of pseudotumors. This MDL is currently in the deposition phase of discovery. Mr. Selby has an active role in preparing for and taking all the marketing related corporate witnesses' depositions.

3M Products Liability Litigation, MDL No. 2885 (N.D. Fl.) – Kate Charonko serves on the ESI Subcommittee. The related actions generally allege that the defendants' dual-ended Combat Arms earplugs were defective and caused the plaintiffs to develop hearing loss and/or tinnitus.

In Re: Davol/C. R. Bard Hernia Mesh Multi-Case Management Litigation, Case No.: 18-9999 (Superior Court R.I.) – David Selby serves on the PSC and Kate Charonko serves as liaison director of e-Discovery for the Davol/C. R. Bard Hernia Mesh Products Liability Litigation. This state court MDL consists of plaintiffs who had one or more of defendants' hernia mesh products implanted for hernia repair. It is being alleged that the polypropylene material used in defendants' hernia mesh products is unreasonably susceptible to in vivo oxidative degradation, which causes or exacerbates excessive inflammation and adverse foreign body reaction, leading to excessive shrinkage, scarification, pain and mesh deformation.

BAILEY GLASSER LLP



Of Counsel

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Bart Cohen has over 30 years of experience in class actions and other complex litigation, with an emphasis on federal antitrust litigation earlier in his career, and with an emphasis on consumer litigation since joining Bailey Glasser.

Bart is currently serving as co-lead counsel in data breach litigation including *Barletti v. Connexin Software Inc.*, No. 2:22-cv-04676 (E.D. Pa.) (representing proposed class of over 2.2 million), *Goss v. Performance Health Technology, Ltd.*, No. 23CV34744 (Multnomah Cty. Circuit Ct.) (representing proposed class of over 1.7 million), and *In re Community Health Systems, Inc. Data Security Litigation*, No. 3:23-cv-00285 (M.D. Tenn.) (representing proposed class of over 1.1 million).

In *Your Towne Builders, Inc. v. Manheim Township*, No. CI-14-07663 (C.C.P. Lanc. Cnty.), Bart is one of two co-lead counsel for a certified class of real estate developers who were overcharged for connecting new construction to a municipal water system. After a bench trial, the trial court awarded the class the full measure of its damages of over \$4.5 million.

Bart's proficiency in managing both practical and substantive information technology is a result of his degree in computer science as well as his experience in professional software development. Bart is a second-generation attorney, first inspired to become a lawyer by his father (who practiced for over 60 years), and now inspired by pursuing truth and justice on behalf of his clients.

Bart is a frequent contributor to legal publications, including *Law360*, *The Legal Intelligencer*, and several publications of the American and Philadelphia Bar Associations. He has been identified as "a very strong litigator" by the *Legal 500* (2009 and 2010), and was designated a "Pennsylvania Super Lawyer," a distinction awarded to only five percent of the attorneys in the state, for over a decade.

Bart is a graduate of the Georgetown University Law Center. He also graduated from the University of Pennsylvania with two bachelor's degrees, from the Wharton School and the School of Engineering and Applied Science.

BAILEY GLASSER LLP

BART D. COHEN

Practice Areas

Automotive

Banking & Financial Services

Class Actions

Consumer Litigation

Education

J.D., Georgetown University Law Center, 1989

B.S. and B.A.S, University of Pennsylvania, 1984

Admissions

Pennsylvania

U.S. District Court, Eastern District of Pennsylvania

U.S. Court of Appeals for the Third Circuit

Representative Matters

- ***Barletti v. Connexin Software Inc.***, No. 2:22-cv-04676 (E.D. Pa.): After prevailing on a contested lead counsel motion, Bart is one of two co-lead counsel responsible for prosecuting this proposed class action on behalf of over 2.2 million class members, many of whom are children, whose sensitive data was exposed by the breach of an information technology services provider that serves pediatric practices nationwide.
- ***In re Community Health Systems, Inc. Data Security Litigation***, No. 3:23-cv-00285 (M.D. Tenn.): Bart is co-lead counsel in this proposed class action on behalf of over 1.1 million class members, whose sensitive data was exposed by the breach of a vendor serving Community Health Systems, Inc., which operates nearly 80 hospitals in 15 states.
- ***In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation***, No. 05-md-1720 (E.D.N.Y.): Bart played a key role in earning his prior firm a lead counsel position representing an injunctive relief class of over seven million merchants who accept Visa and Mastercard payment cards, based on his substantial earlier work on the case, and by drafting the firm's briefs in support of a hotly-contested lead counsel motion. Bart subsequently filled a role immediately below that of co-lead counsel, taking responsibility for formulating settlement positions (which involved complex payment network rules) and managing certain dispositive briefs. We got the class certified, based in part on his advocacy related to rarely litigated issues raised by Fed. R. Civ. P. 23(b)(2).

BAILEY GLASSER LLP

BART D. COHEN

- *In re Wawa, Inc. Data Security Litigation, 2:19-cv-06019 (E.D. Pa.):* Bart played a key role in earning his prior New York-based firm a lead counsel position, by getting a complaint on file promptly after news of the Wawa data breach became public, and by virtue of his knowledge of the Philadelphia firms with whom they were in competition. Bart was responsible for the firm's day-to-day role in the case, in which a settlement for up to \$9 million was approved.

News & Insights

Bailey Glasser Adds Antitrust Lawyer Bart Cohen as Of Counsel in Philadelphia
10.25.2021

CERTIFICATE OF SERVICE

I, Bart D. Cohen, certify that on this 29th day of May, 2024, a true and correct copy of the foregoing Plaintiff Sophie Cahen Vorburger's Response in Partial Opposition to Coordinated Plaintiffs' Amended Motion to Consolidate Cases and Appoint Interim Co-Lead Class Counsel, and Proposed Order submitted therewith were filed with the Clerk of Court via the Court's CM/ECF system for electronic service on all counsel of record.

Dated: May 29, 2024

/s/ Bart D. Cohen

Bart D. Cohen